

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In Re Flint Water Cases,

Case No. 5:16-cv-10444-JEL-MKM

Honorable Judith E. Levy
Magistrate Judge Mona K. Majzoub

**DEFENDANT JEFFREY WRIGHT’S JOINDER AND CONCURRENCE IN
MOTION FOR STAY OF DISCOVERY**

Defendant, Jeffrey Wright (“Wright”), hereby joins in the State Defendants’ Motion for Stay of Discovery (Dkt. #685). The State Defendants Motion for Stay of Discovery requests that this Court enter a stay of all discovery in this litigation and the individual Plaintiffs’ cases also pending in this matter. (Dkt. #685, Dkt. #716). Wright notes that a decision on the threshold issue of qualified immunity as to many Defendants remains undecided and that resolution of this issue is a prerequisite to engaging in discovery. In response to Plaintiffs’ recent Motions for Leave to File Amended Complaint in both this matter and the individual Plaintiffs’ cases, Wright will be asserting a qualified immunity defense to which he is entitled. As such, Wright is equally protected by qualified immunity from the burdens of discovery and litigation at this stage in the proceedings.

Similar to the State Defendants and the MDEQ Defendants (and others), Wright has filed a Notice of Appeal with the Sixth Circuit (Dkt. #698) regarding this Court’s November 9, 2018 Opinion and Order (Dkt. #670). This Notice divests this Court of jurisdiction while this appeal remains pending and warrants a

stay of proceedings. While other parties have appealed qualified immunity issues to the Sixth Circuit, the State Defendants' Motion for Stay of Discovery properly requests a stay of all discovery because piecemeal discovery and litigation would not be efficient or appropriate. If Wright were subjected to discovery, this would necessitate the participation of these other parties as well. Indeed, beginning discovery now would ostensibly strip these other Defendants, and Wright, of their qualified immunity defenses.

This Court has also directed the parties to create and submit a case management order, including proposed discovery deadlines. On December 21, 2018, the parties submitted a Joint Submission Regarding Case Management Plan (Dkt. #719), which articulated that participation in the same was not waiver of any claims of immunity. (Dkt. #719, p. 1, fn. 1). In addition, Wright and other Defendants asserted objections to the creation of the plan including that discovery should not commence at this time. (Dkt. #719, pp. 78-79). Wright reasserts these objections in joining State Defendants' Motion for Stay of Discovery.

WHEREFORE, Defendant Jeffrey Wright joins in the State Defendants' Motion for Stay of Discovery and respectfully requests that this Court stay all discovery and related proceedings until a determination of the currently pending appeals in the appropriate appellate courts and until after this Court decides the soon to be filed Responses to Plaintiffs' Motion for Leave to Amend per this Court's December 21, 2018 Order. (Dkt. #714).

s/ Matthew T. Wise
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Dated: January 4, 2019

CERTIFICATE OF SERVICE

I hereby certify that on **January 4, 2019** I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send notification of such filing to the attorneys and/or parties on record.

/s/ Krista Woerfel
Krista Woerfel